

The University of Chicago

DEVICES EMPLOYED BY  
GREAT BRITAIN TO SUPPRESS THE  
AFRICAN SLAVE TRADE

A PART OF A DISSERTATION SUBMITTED TO  
THE FACULTY OF THE DIVISION OF THE  
SOCIAL SCIENCES IN CANDIDACY FOR THE  
DEGREE OF DOCTOR OF PHILOSOPHY

INTERNATIONAL RELATIONS  
DECEMBER, 1941

By  
HOWARD HAZEN WILSON

CHICAGO, ILLINOIS

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## INTRODUCTION

It is the purpose of this study to describe and appraise, singly and in combination, the devices employed by Great Britain from 1807 to 1914 to suppress the African slave trade. The study is part of an inquiry into methods of policing the world.

With a few dubious exceptions, whose potentialities are merely shown, conclusions are reached upon the past value and the prima facie future value of sixty or seventy devices or separate types of procedure employed under the direction of the Foreign Office for the purpose of suppressing the trade. Only one of these, the African pacification network, appears to be peculiarly or necessarily applicable to an international maritime commerce in slaves or other human beings, as distinct from commodities in general. It was also rare among these, in that it did not exist only for the purpose of suppressing the trade. Thus with this exception the interest in the system of slave trade suppression lies not only in its real objective, which was to prevent injustice to aborigines, or in its position as part of the whole Foreign Office procedure for that purpose, but in the lessons which this unique and gigantic system of maritime police can also give in the suppression of any extensive and undesirable international maritime commerce. It is hoped that these lessons of the past suggest considerations which would not otherwise occur to one. They should help to avoid plausible procedure which would easily suggest itself when it could not be known that it would be injurious or dangerous. It is hoped that they suggest effective devices which could not otherwise be conceived of without allowing a few decades to be wasted in trial and error. There are reasons for believing that they should. Despite the world-wide facilities at their disposal, and despite their unrivalled knowledge of overseas, commercial, political, naval, and maritime affairs, men who were uniquely qualified to conduct such a policy learned how to design effective suppressive devices only after decades of miserable experience.

It appears that about 20 per cent of this study, or per-



haps more, consists of well-known facts without new interpretation. They chiefly furnish the historical milieu and the legal milieu for the devices. In discussing the causes of American hostility to the British campaign, the reason why there is so much documented material which is well-known to nearly all students of American history is that a very advisable suggestion was made that in view of the importance of the United States in the problem, it might be shown why American hostility was so strong and continuous, and why it stopped when it did. The facts about cruisers and their work is old material, as is most of the account about intervention in Brazil in 1850. A few of the devices are discussed from old material without new interpretation. The discussion of some of the devices consists of old material with new interpretation. However, practically all of the work on devices is new material as are of course the conclusions. The new material is taken from very available but quite adequate published official documents. It is in what has been said of the purpose of the study that the precise nature of the contribution to existing knowledge would lie, which is normally expected of all doctor's theses. It is also true that there had not been an analysis of the treaty structure, upon which nearly all of the policy has depended. It is also true that even some of the well-known aspects of the policy, such as coercive sanctions, could never have been explained to readers without some legal treatment; for it was international law which determined the nature and form of the policy.

## CHAPTER I

### GENERATION OF THE POLICY

#### Definition

The African maritime slave trade persists, under conditions which are necessarily very cruel. The captured negro is destined for legal ownership in the Middle East. The African inland slave trade persists, for African destination. Legally-owned slaves are extensively procured and marketed in other parts of the world.<sup>1</sup>

The Geneva Slavery Convention of 25 September, 1926, opened up a new field for slave trade suppression by a change in the definition of "slave trade." As the old African slave trade was repressed by Great Britain and negro slavery discountenanced, new

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<sup>1</sup>In China, Abyssinia, Arabia, and Liberia, there were believed to be in 1933 about five million legally-owned slaves (John Harris, A Century of Emancipation [London: J. M. Dent and Sons, Limited, 1933], p. 257). The problem of slave-owning, slave-raiding, and slave-trading in Abyssinia was investigated in 1932 by Lord Noel-Buxton for the League of Nations. A twenty-year program for complete abolition of the traffic and emancipation of the slaves was worked out with the Emperor Haile Selassie who is believed to have made sincere efforts to those ends. Slave caravans in the lowlands of Abyssinia were destined to the Abyssinian and Arabian markets where slavery was a legal institution. Across the Red Sea Arab slave dhows smuggle slaves in large numbers from the east coast of Africa to sell them in Arabia. The Temporary Slavery Commission of the League of Nations drew attention to a probably more extensive traffic in natives of Africa and the Far East who are included in the retinues of Pilgrims to the Holy City of Mecca. A fairly recent estimate by a British naval officer places Arabian maritime imports of slaves at five thousand men, women, and children a year. It is said, however, that the marketing of slaves for legal ownership is carried on to a greater extent in China, where there are believed to be about two million child slaves, than anywhere else. Tardy attention was first drawn to this system of Mui Tsai by the late Archbishop of Canterbury, in the House of Lords (*ibid.*, pp. 236-262). British efforts to suppress the old slave trade as well as its new variants are discussed (*ibid.*); cf. Cino Vitta, "La Defence Internationale de la Liberté et de la Moralité Individuelles," Hague, Academy of International Law, Recueil des Cours, 1933 (Paris: Recueil Sirey, 1933), II, 597-617.



forms of disguised slavery and slave trade had emerged to take their places. Debt slavery, serfdom, slave-breeding, and Chinese child slavery and its markets, are old. Yet in the West, in Africa, and in the South Pacific, slaves had become negro "apprentices," "contract laborers," "indentured laborers," "Emigrés Libres," Indian, Chinese, or South Pacific coolies, negro "Emanicipados," negro "Serviçaes," or American Indian "peones," who were captured by organized man-hunts, or procured by fraud, or purchased from a dealer, and forced to labor for a nominal wage for a virtually indefinite period. There are also the native labor-tax slaves.<sup>1</sup> The traffic in indentured labor has been an inter-

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<sup>1</sup>Namely, forced native labor in the Putumayo rubber forests (Great Britain, Foreign Office, Correspondence Respecting the Treatment of British Colonial Subjects and Native Indians Employed in the Collection of Rubber in the Putumayo District . . . , Cd. 6266, Parliamentary Papers, Vol. LXVIII [London: His Majesty's Stationery Office, Printed by Harrison and Sons, 1912]); the "apprenticing" of captured Kaffir children by the Boers of the Transvaal, reported by Livingstone and by Lord Bryce (Harris, op. cit., pp. 17 f.); the trade in captured or beguiled Chinese, Indian, African, and South Pacific coolie labor to French, British, Portuguese, and Spanish colonies or dominions, and to Peru (Harris, op. cit.; Ellery C. Stowell, Intervention in International Law [Washington, D. C.: J. Byrne and Co., 1922]); the traffic to Portuguese Principe and São Thomé in captured or purchased "Serviçaes" (Great Britain, Foreign Office, Correspondence Respecting Contract Labour in Portuguese West Africa [Africa: No. 2, 1912], Cd. 6322, Parliamentary Papers, Vol. LIX [1912-1913] [London: H. M. Stationery Office, Printed by Harrison and Sons, August, 1912]). (Publications of further correspondence followed, as in the case of the Putumayo); the enslavement of the subjects of the Independent State of the Congo by labor taxes after their deprivation of all means of subsistence except garden plots, through state monopolies and leases of all other resources (Arthur Berriedale Keith, The Belgian Congo and the Berlin Act [Oxford: Oxford University Press, 1919]). The disguises of slavery and slave trade continually change. Edward Alsworth Ross, in the "Appendix" to his Report on Employment of Native Labor in Portuguese Africa (New York: The Abbott Press, 1925), observed: "It should be said that the state of slavery brought out in the voluminous literature just described appears to have passed away. Not one of our informants so much as breathed the word 'slavery' or 'slave trade.' We never heard the slightest suggestion that in Portuguese Africa now there is any ownership of a black by a white. The rise of the system of state requisitioning of native labor and state leasing of this labor to private parties frees the white man of all temptation to acquire ownership of the labor he needs." In general, cf. Harris, op. cit.; George Louis Beer, African Questions at the Paris Peace Conference (New York: The Macmillan Company, 1923); Lord Olivier, White Capital and Coloured Labour (London: The Hogarth Press, 1929); Edward D. Morel, The Black Man's Burden (New York: B. W. Huebsch, Inc., 1920); cf. League of



national maritime commerce. Thus the extensive persistence of both new and old forms of "slave trade" throughout the world is a reason for notice of the elaborate devices employed single-handedly by Great Britain in the nineteenth and early twentieth centuries to repress the old African slave trade.

Article 1 of the Geneva Slavery Convention of 25 September, 1926, which was carried through the League of Nations by Great Britain and ratified by some forty states,<sup>1</sup> defined slavery and the slave trade for the purpose of that convention as follows:

1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. 2. The slave trade includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.<sup>2</sup>

Through insertion of the word "any," in this revolutionary definition of slavery, the consequent modern definition of slave trade differs from the concept officially held by the British government prior to the war of 1914-1920.

The slave trade was then considered, in general, as the supply of labor destined for legal ownership. However, the victims of the disguised forms of slave trade noticed above were not reduced to a condition in which municipal law sanctioned complete control and dominion over them by their employers. Having been obtained by violence, they were subjected to forced labor under an ostensible contract. The legal sanctioning of this "contract" by the state enabled employers to exercise many of the powers which they would have exercised as owners under a legally-recognized institution of slavery. Prior to the war of 1914-1920, however, the British Foreign Office, although it made many efforts to stop or regulate such practices on the part of foreigners, did not officially consider the violent procurement of such labor as "slave trade" in the technical sense to which the sanctions of

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Nations, Slavery: Report of the Advisory Committee of Experts on Slavery Provided for by the Assembly Resolution of September 25, 1931 (Official No.: C. 618. 1932. VI. Geneva, Sept. 1, 1932; Series of League of Nations Publications: VI. B. Slavery 1932. VI. B. 1.).

<sup>1</sup>Harris, op. cit., p. 266.

<sup>2</sup>League of Nations Treaty Series, LX (1927), 263.

the nineteenth century slave trade engagements were applicable.<sup>1</sup> It is in the latter sense that the term "African slave trade," is used in this analysis.

### Horrors

There is something in the horror of the slave trade, as Pitt said in 1788, which "surpasses all the bounds of imagination."<sup>2</sup> Considering the numbers killed during the raid,<sup>3</sup> the

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<sup>1</sup>Indian coolie immigration was not stopped into all British colonies until January 1, 1920 (Harris, *op. cit.*, p. 73). In 1848 Palmerston explained before a Select Committee on Slave Trade, that British cruisers would not capture as slavers vessels with free immigrants (Great Britain, Parliament, House of Commons, Select Committee on Slave Trade, First Report from the Select Committee on Slave Trade, 272 [Ordered, by the House of Commons, to be Printed, 18 April, 1848], p. 12).

When France refused to break her promise to her Colonials, to revive the slave trade in substance, Prime Minister Palmerston endeavored to secure Indian coolies for French colonies, instead of African immigrant labor (Stowell, *op. cit.*, pp. 196-205). Indian coolies were imported for a time into French colonies, despite the opposition of the Indian Government (Harris, *op. cit.*, pp. 72, 98 f.).

Although Foreign Secretary Grey conceded, in 1910, with respect to the Servicaes of Portuguese West Africa that "people were recruited there in Angola indiscriminately and by force, and brought down to the coast by force, with no means of escape, and they were taken to the islands by force" (Great Britain, Parliament, House of Commons Debates, Vol. XIX, 5th ser., col. 1589, 21 July, 1910), he persisted in his refusal to regard the system as slave trade. In 1908 and 1909 Foreign Secretary Grey stated that the system in force on the cocoa plantations of São Thomé and Príncipe was described as "contract labour." This was in immediate reply to a question as to whether he did not regard the system as "slavery," and to an implication that the system was in reality nothing but slavery (Great Britain, Parliament, Parliamentary Debates [hereafter cited H. C. Debates], Vol. CXC, 4th ser., cols. 1033 f., 18 June, 1908; H. C. Debates, Vol. II, 5th ser., cols. 493 f., 11 March, 1909). In 1912 Foreign Secretary Grey stated that "the people in question are not considered to be slaves, but indentured labourers" (H. C. Debates, Vol. XL, 5th ser., cols. 928 f., 2 July, 1912).

<sup>2</sup>William Law Mathieson, Great Britain and the Slave Trade, 1839-1867 (London: Longmans, Green and Co., 1929), p. 35.

<sup>3</sup>The most authoritative description today of a modern slave raid is to be found in the written statement of the present Governor of Sierra Leone, who had previously spent many years in an official capacity in East Africa. . . . 'The method of raiding is to surround a village in the dark, the raiders blowing trumpets and uttering bloodthirsty yells to stampede the inhabitants. The huts are then fired, and the old men and women are



high mortality on the long drive down to the coast, and the mortality rate on the transatlantic passage, which might be from 25 to 50 per cent,<sup>1</sup> Lord Palmerston thought it likely that for every African reaching the New World, two had died in the process. In 1844 he calculated that if some estimates then current were acceptable, "the yearly ravage committed on the African nations must amount to something like four hundred thousand."<sup>2</sup> Such estimates placed the transatlantic traffic between 100,000 and 150,000 slaves a year. Palmerston referred only to the effects of the Atlantic traffic in slaves. When the heavy Arab traffic in African slaves by land to North Africa and by sea to Asia, is included, the annual magnitude of the ravage is indicated.<sup>3</sup> Perhaps Palmerston in 1844 did not intend his rhetorical but credible ratio of two-to-one dead and living to include the numbers killed per victim captured during the raids.<sup>4</sup>

#### Routes

The routes of heaviest volume in the nineteenth century,

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ruthlessly speared or shot down as they rush out panic-stricken, only the younger ones being of sufficient value to capture!" (Harris, op. cit., p. 258, citing Hodson, Where Lions Roar).

<sup>1</sup>Cf. R. Coupland, The British Anti-Slavery Movement (London: Thornton Butterworth, Limited, 1933), pp. 189 f.; cf. Palmerston in Hansard, Parliamentary Debates [hereafter cited H. C. Debates], Vol. LXXVI, 3d ser., cols. 930 f., 16 July, 1844.

<sup>2</sup>Ibid., cols. 924, 931. He gave a harrowing description of the trade.

<sup>3</sup>The merchants of Liverpool, who might have spoken with authority on the transatlantic traffic in slaves, made the dubious assertion to the Privy Council in 1788, that for the previous year the Arab slave trade was equal in volume to the Atlantic traffic (James Bandinel [of the Foreign Office], Some Account of the Trade in Slaves from Africa as Connected with Europe and America [London: Longmans, Brown, and Co., for Her Majesty's Stationery Office, 1842], p. 86). Conditions aboard the Arab slavers on the Red Sea, the Persian Gulf, and the Indian Ocean are considered even more frightful than on transatlantic slavers (Coupland, op. cit., pp. 196 ff.).

<sup>4</sup>In 1858 Palmerston used the convenient ratio in the sense that one-third of those captured in slave wars died on the drive to the coast, and in the barracoons, or slave depots at the export points while awaiting shipment, and another third at sea (H. C. Debates, Vol. CLI, 3d ser., cols. 1334-1341, 12 July, 1858).

over which Africans were transported to countries in which slavery remained a legal institution, seem to have been roughly as follows. Of heaviest volume were those running from the vast interior of the continent, via the west coast, to Brazil and Cuba.<sup>1</sup>

<sup>1</sup>Slave import estimates, though unreliable due to the clandestine character of the traffic, are of interest in connection with British suppressive devices. In this connection, their accuracy is not of interest with respect to their absolute quantities, except so far as roughly equivalent margins of error may in some cases seem likely, for estimates which one should wish to compare in evaluating the effectiveness of various British measures of slave trade suppression.

Brazil, in five ports alone, was said to have received 114,228 African slaves in the year-and-one-half ending 30 June, 1830 (Harris, op. cit., p. 93). It is possible that Brazilian importations were unusually high, in order to meet the conventional dead-line of Brazilian total abolition in that year.

Estimates recited in W. E. Burghardt Du Bois, The Suppression of the African Slave Trade to the United States (New York: Longmans, Green, and Co., 1895), pp. 142 f., place the trade "to North and South America" at least 40,000 negroes in 1820, 200,000 in 1837, 30,000 in 1842, and 100,000 in 1847. It seems that the numbers of negroes which continued to be smuggled into the United States, until about the time of the Civil War (cf. Du Bois, op. cit.), was not relatively so great, but that English abolitionists could tend to ignore it. In 1854 and in 1859 Lord Brougham, a Parliamentary spokesman for the abolitionists, declared that the United States was importing no African slaves (Mathieson, op. cit., pp. 137-140). In 1859, however, Stephen Douglas is reported to have expressed his "confident belief" that as many as 15,000 slaves had been imported in the past year (*ibid.*). In 1842 Bandinel wrote that slaves were no longer imported into the United States (op. cit., pp. 282 f.). Du Bois suggests that the low figure of 30,000 which he gave for 1842, was due to "total abolition" by "the American countries"; but the writer is unable to understand his meaning (op. cit., pp. 142 f.). Spanish colonial officials and the Brazilian government took no effective suppressive measures at this time. The writer is not aware of any slave importations by American countries remotely comparable to the Brazilian and Cuban importations. It is true that Texas and several Latin American countries concluded abolition conventions at about this time. Referring to the 150,000 estimate, Palmerston in 1844 saw fit to ignore other importing places such as Porto Rico, when he said that "it is to Brazil and Cuba that these importations take place" (H. C. Debates, Vol. LXXVI, 3d ser., col. 924, 16 July, 1844). Palmerston attributed a drop of Brazilian importations to an estimated 14,244 in 1840, and of Cuban to an estimated 3,150 in 1842, to the British Admiralty jurisdiction assumed over Portuguese and stateless slavers between 1838 and 1842, and to the Spanish search treaty of 1835 (*ibid.*). There were also other causes. Bandinel, in attempting to show in 1842 that the recent decline of slave imports into Brazil and Cuba was not due to a slackening of demand, wrote that in Porto Rico a newly-imported negro "used to sell for two hundred dollars; the price is now four hundred dollars." In Cuba,



Next in volume would be those routes which ran east and north-east from Sudan and from the region of the Great Lakes to Zanzibar and to various Arab towns on the east coast of Africa. Thence the negroes were transported to Arabia, Persia, and India.<sup>1</sup> Another general route went north from Abyssinia and the neighboring Sudan, down the Nile to Cairo. Besides being an import point, Cairo was an entrepôt point for trans-shipment to Turkey.<sup>2</sup> A route which worried the British for a time, was that which ran south-east from the Arab coast towns, and from Portuguese East Africa to the

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"such negroes sold in 1821 for one hundred dollars; the price now varies from 425 to 480 dollars. In Brazil a newly-imported slave used to sell for 100 milreis; the price is now 400 milreis" (op. cit., p. 288).

<sup>1</sup>Cf. Coupland, op. cit., pp. 189-204. It is said that the extent and horror of this ancient Arab trade from east and central Africa to the Middle East became known gradually. The growing interest of the government of British India in the area of the Persian Gulf and the overland route to Europe, reports to the Admiralty by cruisers of the Cape Squadron, and the reports of Livingstone later, stirred up a new movement in England which was "determined to eradicate this previously little-known branch of the slave trade"; and its final destruction was required of the Government (Coupland, op. cit., pp. 193, 196 ff., 212). Bandinel wrote that upwards of 20,000 annually were exported from the dominions of the Imaum of Muscat in Africa (op. cit., p. 302). In the seventies, a Parliamentary Committee showed that about fifteen thousand raw slaves were being successfully exported from Zanzibar annually (Coupland, op. cit., p. 195). Zanzibar was but the greatest of the export sources of Arab slave trade. Seyyid Said, Imaum of Muscat, after extending his control over many Arab east coast towns, had transferred his court to Zanzibar in 1832 (Mathieson, op. cit., p. 150). By a systematic promotion of commerce he made Zanzibar the one great commercial center of the East African area (Coupland, op. cit., pp. 199-204). As he encouraged and extended the old caravan trade with the interior, Arab slave caravans began to penetrate to the Great Lakes and beyond--viz., between Mombasa and Victoria Nyanza, Bagamoyo and Lake Tanganyika, and Kilwa and Lake Nyasa--peaceably trading or pillaging and murdering for two or three years in the interior, and then returning with ivory and gangs of slaves, as Coupland says (*ibid.*), to be consigned to Zanzibar or distributed among the coast towns. Zanzibar and Muscat were separated in 1856 (Ellery C. Stowell and Henry F. Munro, International Cases [Boston: Houghton Mifflin Company, 1916], I, 350).

<sup>2</sup>Coupland, op. cit., pp. 198-204, 233 f. Art. 1 of an Anglo-Egyptian slave trade convention, of 4 August, 1877, and the Proclamation of the Khedive, made in accordance with Art. 5, refer to negro slaves, Abyssinian slaves, and slaves of the white color; and Art. 4 refers to the intertribal slave-raiding wars of Central Africa (Hertslet's Commercial Treaties [London: 1827-1924], XIV, 321, 328).

islands of Réunion and British Mauritius, after passing across Madagascar.<sup>1</sup> Considerable numbers were exported round the Cape from Portuguese East Africa to Brazil and Cuba.<sup>2</sup> Some were carried by sea from Barbary to Turkey.<sup>3</sup>

### Sources

In 1844 Palmerston roughly considered that the source of slaves for the maritime traffic should be regarded as extending "all over the interior of Africa,"<sup>4</sup> with points of embarkation lying all round the coast "from the northernmost points on the west, where the Slave Trade begins, to the northernmost points on

<sup>1</sup>Coupland, *op. cit.*, pp. 189 f. Madagascar was also a source. "Radama, King of Madagascar," in an abolition proclamation at Tamatave, 23 October, 1817, declared to his subjects that "their Father, the Governor of the Mauritius, had not suffered the white men to carry off our children into slavery" (Hertslet's Commercial Treaties, III, 239 f.).

The traffic to the French islands of Isle de France (Mauritius) and Bourbon (Réunion) was long established (Coupland, *op. cit.*, pp. 189 f.). Here were sugar plantations. Bourbon, though not Mauritius, had been restored to France by Great Britain in 1815. The French Government made no effectual effort to stop the trade until about 1833 (*ibid.*). Mauritius was ceded to Great Britain; but in the face of the local opinion of the French plantation élite, the British Governor found it very difficult to stop the traffic to his island. It continued very active until about 1821. That it did not quite stop then was revealed by a Parliamentary investigation initiated by T. Powell Buxton, leader of the Emancipationists, in 1826. It is said that between 1810 and 1817, some 30,000 slaves were imported into Mauritius (*ibid.*, pp. 190-193). The Governor tried to stop the trade at the export end instead, by engagements with Radama of Madagascar between 1817 and 1823, and by assisting the Bombay Government in negotiating an engagement with Seyyid Said.

<sup>2</sup>The mortality upon this route sometimes rose to more than half the cargo (Coupland, *op. cit.*, p. 189). At Rio de Janeiro in 1817, 1,880 slaves are said to have been landed from Mozambique, and 2,416 in 1818. In 1838 it was reported that about ten thousand slaves a year were smuggled over the Atlantic from Mozambique and Quillmane.

<sup>3</sup>Bandinel, *op. cit.*, p. 247; cf. Harris, *op. cit.*, p. 109. Tripoli, as well as Egypt, supplied many slaves for Turkey. In 1893 the Italian Anti-Slavery Society reported that Turkish vessels carried slaves surreptitiously to various parts in the Levant--the authorities providing the carriers with letters of liberation to cover the fraud (Harris, *op. cit.*, p. 105).

<sup>4</sup>H. C. Debates, Vol. LXXVI, 3d ser., col. 925, 16 July, 1844.



the east, where that traffic ends."<sup>1</sup> For this reason he thought that his reciprocal search treaty of 1831 with France was inadequate unless the West Indies and the coast of Brazil were to be continued subject to the patrol of British cruisers. This was because its zone of operations reached only from fifteen degrees north, near Cape Verde, to ten degrees south, near the Kwanza River in Loanda. He believed, however, that there were "nearly fifteen degrees of latitude further south of the line on the western coast, and I know not what extent on the eastern coast, where the slave trade is much carried on."<sup>2</sup> Though he believed that "the number of places where negroes may be embarked is so great,"<sup>3</sup> that to establish along the whole coast a blockade in the sense in which we are accustomed to speak of a naval blockade of seaports is impossible,"<sup>4</sup> he had endeavored to obtain from the French Government a new treaty providing the larger limits he had already obtained from Spain and the Netherlands, so as to include, besides "the whole of the West Indies and of the eastern coasts of South America," "the whole of the eastern and western coasts of Africa."<sup>5</sup>

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<sup>1</sup>Ibid., col. 943.

<sup>2</sup>Ibid.

<sup>3</sup>In the west, such points included Goree (Mathieson, op. cit., p. 9), the mouth of the Gambia (ibid., p. 66), Bissau and Bolama (ibid., pp. 8, 66), some in the vicinity of Sierra Leone (ibid., p. 30), the stretch of coast between the British settlement in Sierra Leone and Liberia (ibid., p. 100), Liberia itself (ibid., p. 154), the mouth of the River Gallinas, "the greatest slave mart north of the line" (ibid., p. 61), the coast all along the Bight of Benin and the Bight of Biafra, "the only parts regularly patrolled in the first thirty years of suppression" (ibid., pp. 29, 112) including the Niger and the Benue Rivers (ibid., p. 31) and Dahomay (ibid., pp. 112, 172), Lagos (ibid., p. 183), Calabar (ibid., p. 147), and the River Gaboon (ibid., p. 154), a line of coast "some five hundred miles north and south of the Congo, from the Equator to Ambriz," to which the trade was "almost confined" by 1859 (ibid., p. 164), the River Congo itself (ibid., p. 166), Cabinda (ibid., p. 61), Ambriz (ibid.), and, if Palmerston was correct, various points along a considerable stretch of the coast south of Ambriz (H. C. Debates, Vol. LXXVI, 3d ser., col. 943, 16 July, 1844). Cf. the map in Mathieson, op. cit., p. 1.

<sup>4</sup>H. C. Debates, Vol. LXXVI, 3d ser., col. 943, 16 July, 1844.

<sup>5</sup>Ibid., col. 936. Palmerston said, apparently with reference to the Atlantic traffic, that when he became Foreign Secretary in 1830, that slave trade to French colonies had been very

### Motivation of Foreign Office Measures

The motivation behind so sustained and consistent a policy as that of Great Britain since 1807, toward the world slave trade, has been pressure both from within and without the Foreign Office. The English public had been relatively well-informed on the evils of slavery and the slave trade by a deluge of controversy and humanitarian propaganda since the last quarter of the eighteenth century.<sup>1</sup> Several English statesmen--such as Palmerston and

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nearly extinguished; but that there prevailed a most extensive use of the French flag for carrying on "the slave trade of other countries" (*ibid.*, cols. 931 f.).

<sup>1</sup>English voices were raised against the trade in the seventeenth century (cf. Bandinel, *op. cit.*, p. 67). The Quakers declared against it in 1724, and disowned slave-trading friends in 1761 after a warning in 1758. The Wesleyans followed. John Wesley published his *Thoughts on Slavery* in 1774. Women were privately instrumental in the movement (Harris, *op. cit.*, pp. 10-12). In 1772 Granville Sharp (1735-1813) obtained from Lord Mansfield, in the case of the negro Somerset, the decision that a slave on setting foot on English soil becomes forever free (Howell's *State Trials*, XX, 25 ff., as cited and quoted by Bandinel, *op. cit.*, pp. 70 ff.). In 1787 Granville Sharp and others formed a society for the abolition of English slave trade (Mathieson, *op. cit.*, p. 2). The Quakers had already formed an abolition and emancipation society in 1783 (John Kells Ingram [in part], "Slavery," *The Encyclopedia Britannica*, Vol. XXV, 11th ed.). William Wilberforce (1759-1833), John Wesley (1703-1791), Thomas Clarkson (1760-1846), and Granville Sharp began to stir the nation's conscience (cf. Coupland, *op. cit.*, p. 89; for the contemporary movements in France and America, v. Quincy Wright, *Mandates Under the League of Nations* [The University of Chicago Press, 1930], p. 9; cf. Ingram, "Slavery," *op. cit.*, pp. 222 ff.). Fox and Burke were outright for abolition (Coupland, *op. cit.*, p. 89). After many attempts and disappointments in Parliament, abolition *de jure* of slave trade under British jurisdiction was finally carried. A small group of individuals had formed a club, distributed propaganda material, held meetings and made speeches, gained converts in Parliament and high places, laid the issues clearly before the public for a period of years, expanded their original little nucleus into a political power, and carried a reform against the largest slave trading interests in the world (cf. Mathieson, *op. cit.*). Others, then or later, also led and carried on the abolition and emancipation program--including the Wedgewoods, the Hoares, the Macaulays, Joseph Sturge, Lord Brougham, and especially the Buxtons. Thomas Powell Buxton (1786-1845) succeeded to the leadership of Wilberforce in the emancipation and abolition movements in 1823. These are only some of the names which are most familiar at present. The very great work of Mr. E. D. Morel on behalf of the natives of the Belgian Congo, and the Consular investigations of Sir Roger Casement, were with respect to extremely brutal forms of virtual slavery.

Especially after 1807, the reformers then turned to their



John Russell--uniquely placed in contact with interests which were world-wide, had acquired, from voluminous reports sent in to the Admiralty, and the Foreign and Colonial Offices, a realistic appreciation of the horrors of the trade. Perhaps a relatively liberal and humanistic cultural background aided in preparing them for an imaginative and sympathetic grasp of the problem.

On the eve of the Congress of Vienna, public opinion in England was concentrated, organized, and "stirred to the uttermost" by the propaganda of the abolitionists and the efforts of men like Clarkson and Wilberforce. It demanded that Great Britain obtain at the Peace Conference the universal abolition of the slave trade. English public opinion was interested in little else at Vienna. Through letters, memoranda, and appeals of many kinds, individuals and private organizations importuned British Ministers and foreign Sovereigns to that end. Eight hundred petitions with nearly a million signatures were presented to the House of Commons on the eve of the Congress. The Government's announcement of accession to the popular demand was received with what Wellington called a "frenzy." The Foreign Office had no alternative. Castlereagh necessarily did his utmost thereafter to fulfill the mandate of England. During the last quarter of the preceding century, and the first fifteen years of the nineteenth, a small nucleus of philanthropic individuals, aided by Methodists and Quakers, had, as it were, organized England into one vast abolitionist society. As C. K. Webster says, a uni-

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government to aid them also, by its great political influence, in exterminating the slave trade on the part of other nations. The tradition of such pressure on the government thus continued, upon cognate interests, to the present day. The work was taken up on a world basis. Since the work of Thomas Fowell Buxton in emancipating the slaves in the British colonies and endeavoring to combat the foreign slave trade, the Buxtons and others have fought against every new kind of slavery and slave trading throughout the world, and have endeavored to inform the public as to the evils to be remedied. The British and Foreign Anti-Slavery Society, which had been dissolved at the Emancipation Act, was reconstituted in 1839 from the British Anti-Slavery Society. In 1839, T. Fowell Buxton formed the Aborigines Protection Society "to assist in protecting the defenseless and promoting the advancement of uncivilised tribes." The two societies worked together until they were united in 1909 as the Anti-Slavery and Aborigines Protection Society (Harris, *op. cit.*, p. 89).

Cf. Frank J. Klingberg, The Anti-Slavery Movement in England (New Haven: Yale University Press, 1926), pp. 22-59, as to the formation of public opinion in England against slavery and the slave trade.

versal abolitionist policy was "now made essential to the popularity, and even to the existence, of a British cabinet."<sup>1</sup>

There were times when the Foreign Office had a wide margin of alternatives to the amount and kind of abolitionist action it took. In fact, it may well be that, considering the nineteenth century as a whole, more negroes were saved from slaughter and prevented from being sold into slavery by measures taken by the Foreign Office which were not the result of any recent pressure upon it, than were rescued by measures taken on account of the force of public pressure.

Naturally, there were periods of waning zeal in the House of Commons. Sometimes it was thought to be an unnecessary burden upon the tax-payer to maintain a quarter of the Royal Navy on lonely and unhealthful tropical coasts, in an apparently futile and Quixotic attempt to suppress foreign slave trading under foreign flags, for foreign destination--and all this to the evident commercial and diplomatic detriment of England. There were times when there was a great deal of defeatism, back-sliding, dissension, and opposition to the use of naval force in a humanitarian work and when there was little evident popular approval of the Government's measures, and much evident disapproval.<sup>2</sup> In 1850, at such a time as this, both Lord John Russell, the Prime Minister, and Lord Palmerston, the Foreign Secretary, announced that they would not remain in office if a particular Bill were carried in the House of Commons, which contemplated the abandonment of naval suppression.<sup>3</sup> Palmerston (Foreign Secretary 1830-1841, 1846-1851; Prime Minister 1855-1858, 1859-1865) himself appears to have supplied very much of the driving force behind the slave trade policy for about half the period of suppression of the transatlantic traffic. It has been observed, however, that it was the broad body of public opinion in England which made his methods possible, if it did not inspire them.<sup>4</sup>

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<sup>1</sup>Charles Kingsley Webster, "The Pacification of Europe," The Cambridge History of British Foreign Policy, 1783-1919, edited by Sir A. W. Ward and G. P. Gooch (New York: The Macmillan Company, 1922-1924), I, 398, 451, 495-499; C. K. Webster, "Congress of Vienna," Encyclopaedia Britannica, Vol. XXVIII, 11th ed.; Coupland, op. cit., p. 154.

<sup>2</sup>Cf. Mathieson, op. cit., pp. 74-114. <sup>3</sup>Ibid., p. 106.

<sup>4</sup>Ibid., p. 191. As Lord John Russell said, "there is in



And doubtless it became--in the Foreign Office, as if by momentum--a matter of professional pride not to abandon so challenging an undertaking, carried on for so many years against so many obstacles, in the spirit in which Stratford Canning at Washington wrote to John Quincy Adams: that one could not suppose that either of the two parties might be discouraged by the difficulties inseparable from all great affairs, or disposed to resign itself to the prolongation of practices so immoral.<sup>1</sup>

### British Abolition

England's first steps in suppressing the slave trade of foreigners were involved in her first successful step in abolishing the trade on a world basis by the swift and total suppression of the vast slave traffic<sup>2</sup> of her subjects. The objective of leading

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other countries no such moral public opinion upon which we can count as of efficient support either to the diplomacy of this country or to the execution of the engagements and Acts into which these countries may enter for the suppression of the trade" (*ibid.*).

But lest the Court of Spain make the mistake of supposing the Foreign Office dependent upon public enthusiasm for its determination to pursue a given slave trade negotiation at Madrid, Lord Palmerston, toward the close of his long career, and at this time Prime Minister, wrote the British Ambassador to that Court that "there are not two men in England more determined enemies of the slave trade than Lord Russell and myself"; and he continued: "During the many years that I was at the Foreign Office, there was no subject that more intensely occupied my thoughts, or constituted the aim of my labours; and though I may boast of having accomplished many good works--and among them materially assisting the Spaniards to get rid of their tyrannical dynasty, and to establish Parliamentary Government--yet the achievement which I look back to with the greatest and the purest pleasure was the forcing of the Brazilians to give up their Slave Trade, by bringing into operation the Aberdeen Act of 1845" (*Stowell, op. cit.*, pp. 199 f., quoting Evelyn Ashley, *The Life of Viscount Palmerston*, II, 263 f.).

<sup>1</sup>Henry Wheaton, *Histoire des Progres Du Droit des Gens* (3d ed.; Leipzig: F. A. Brockhaus, 1853), II, 299.

In informing the Brazilian government that Brazilian abolition was the "single and sole condition" of eventual British recognition of Brazilian statehood, Canning explained that "the Brazilian Government cannot be unaware how deeply the Faith and Honour of this Country is engaged in the complete and final abolition of the Slave Trade" (Henry Arthur Smith [ed.], *Great Britain and the Law of Nations* [London: P. S. King & Son, Ltd., 1932], I, 186-187).

<sup>2</sup>As reported by the Trade Committee of the Privy Council in 1789 the number of Africans currently carried to the Americas

English abolitionists was the ultimate extinguishment of slavery.<sup>1</sup>

Pitt first directed an inquiry into the whole subject in 1787 in order to gain authoritative material, apparently, for opening the attack upon the British slave trade in Parliament. At the same time he attempted unsuccessfully to obtain the co-operation of the French government in joint abolition. Next year he carried, under threat of resignation to the Lords, a temporary regulatory Bill.<sup>2</sup> In 1789, having previously carried a Resolution binding the House to consider the question, he published the Report. It caused a stirring debate in the House of Commons and brought the facts before the public. Other considerations intervened. Wilberforce's Bill for total abolition was passed by the House of Commons in 1804, but was thrown out by the Lords.

In 1806 Fox unsuccessfully sought joint action in the matter from the governments of France and the United States. In that year British subjects were prohibited from carrying slaves to foreign territory. In 1807 slave importation was prohibited into all British Colonies, as it had already been prohibited to conquered territory in 1805. Acts of 1807 and 1811, with a Consolidating Act of 1824, prohibited to British subjects or inhabitants of British territory or that of the East India Company, all participation, direct or indirect, in the African slave trade. Bounties for slave rescues were provided for officers and men; and after energetic action by a naval squadron sent to Africa for the purpose, the British slave trade, throughout the extent of the jurisdiction of the Admiralty, was almost extinct by 1811.<sup>3</sup>

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in British ships exceeded--though not greatly--that carried by either the Dutch, the French, the Portuguese, or the Danes (statistics in Bandinel, op. cit., p. 86).

<sup>1</sup>Coupland, op. cit., p. 112, citing Wilberforce in 1823 when the Emancipation movement was opening its attack in Parliament.

<sup>2</sup>The Bill was for one year (Bandinel, op. cit., p. 91).

As Burke pointed out in the following year, "the Slave Trade could not be regulated because there could be no regulation of Robbery and Murder" (quoted, ibid., p. 90).

<sup>3</sup>Coupland, op. cit., pp. 87-111; Bandinel, op. cit., pp. 87-202; Mathieson, op. cit., pp. 2-5; A. P. Newton, "United States and Colonial Developments," The Cambridge History of British Foreign Policy, II, 235; Du Bois, op. cit., pp. 131 ff. Cf. annotated index to Acts in Great Britain, Foreign Office,

### Motives of the Policy

The motive of the British slave trade policy was humanitarian, rather than economic or political. John Bright thought that England's whole commercial system was being thrown out of gear by "our meddling with this slave question," and by Palmerston's "benevolent crotchet for patrolling the coasts of Africa and Brazil."<sup>1</sup> In 1814 Castlereagh thought that the popular agi-

British and Foreign State Papers, Vol. LX (London, 1841--), pp. 1353 ff. [hereafter cited as BFSP]. Punishment as a transportable felony was substituted in 1811 for the apparently unsatisfactory pecuniary penalty which had been imposed in addition to confiscation of vessel and cargo in 1807. Unnecessary in the absence of British slave traders, the penalty of death as piracy, enacted in 1824 to meet the requirements of an abortive treaty with the United States, was reduced to transportation in 1837--the statutory crime remaining that of piracy.

Grounds appearing to exist in 1815 for suspecting that slaves were still introduced clandestinely into the British West Indies, a general registry of slaves which should in future constitute title was introduced forthwith into some of the Colonies immediately dependent upon the Crown; and on July 12, 1819, an Act applied the system to the recalcitrant Colonies who had their own legislatures--thus stopping, it is said, all importation of slaves into the British West Indies (Bandinel, op. cit., p. 194). The efficacy of the measure, of course, depended upon the honesty of registration officials. In Cuba, where the figures were easily falsified, the same measure introduced at the instance of Great Britain failed of its purpose (Mathieson, op. cit., pp. 143 ff.).

<sup>1</sup>Mathieson, op. cit., pp. 103 ff., citing Hansard, CIV (1849), cols. 758, 783, 785-787, 800. A Quaker and a Manchester Radical, Bright argued that the natural growth of legitimate trade was impeded by naval coercion, which kept West Africa in a state of war and alienated Brazil, "one of our best customers" (Coupland, op. cit., pp. 117 ff.).

It is sometimes conjectured that British West Indian proprietors, after having been deprived of slave imports, influenced the Government decisively, to prevent rival sugar producers in Brazil and Cuba from gaining the advantage in cheap labor. These "interests," however, had not been influential enough to prevent injury to themselves in 1807 by British abolition, by British Emancipation in 1834, and by the removal of their tariff preference in 1846 (cf. Coupland, op. cit., pp. 156 ff.). Attempts at proof by innuendo are frequent. The presence of a motive is frequently considered sufficient evidence for successful commission of the act. It is frequently supposed that those who carry out a state policy are the same as those who tend to benefit from it.

There was also a scandal theory, supported by innuendo, according to which naval suppression was not a work of humanity, but "a very good business." Naval officers were supposed to have



tation was on the whole detrimental to the interests of British diplomacy. He saw "in the very impatience of the nation a powerful instrument through which the foreign states expect to force at a convenient moment the British Government on some favorite object of policy."<sup>1</sup> For many succeeding decades, the slave trade content of British diplomacy was an irritating, complicating, and dangerous factor in England's relations with the United States, Brazil, France, Spain, and Portugal. It must have detracted greatly from British friendship in the slave-trading but strategically vital areas of East Africa and the Middle East. It was feared abroad that naval suppression of the slave trade was a pretext for the general extension of Britain's maritime control for all purposes, and for a gradual curtailment of neutral rights in regard to search, by the precedent of the search of suspected slavers. Whether such an intent was ever present the writer does not know; but it is not revealed in the general design of the devices; and it is not revealed in the results of the policy. It is true that although after 1817 foreign vessels were searched under express treaty permission only, there was a period of twenty years when England claimed the right to ascertain the nationality of vessels suspected of flying a false flag, by boarding them. However, the conditions surrounding this aberration seem to render the professed motive a sufficient explanation, that it was to prevent evasion from search treaties. Far from attempting to ar-

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determined the slave trade policy. Bounties on condemned slavers and rescued slaves might amount to much. In case of unjustifiable search or detention, naval officers were also liable to their Government for unpaid damages assessed by a court of Prize. Palmerston, however, complained in 1862, when the suppression of the transatlantic trade was almost at an end, that no First Lord or any Board of Admiralty had ever shown any interest in the suppression of the trade. If there was ever a leaky old tub, he said, it was sure to be sent to the coast of Africa, to try to catch the fast-sailing American clippers (Hugh G. Soulsby, The Right of Search and the Slave Trade in Anglo-American Relations, 1814-1862 [Baltimore: The Johns Hopkins Press, 1933], p. 40).

It was asserted that slaves were rescued by the English, merely in order to put them to work in the Colonies. It is true that between 1808 and 1844 negroes taken out of a condemned slaver at Sierra Leone were assisted to settle there at a public expense of ten thousand pounds sterling a year; and that after 1844, with slavery abolished in the West Indies, they were told that they must either emigrate or provide for themselves (Mathieson, op. cit., pp. 124 ff.).

<sup>1</sup>Quoted Webster, "The Pacification of Europe," op. cit., p. 496.

rogate to herself the right of policing the high seas, Great Britain strenuously attempted, on many occasions from the beginning to the end of the nineteenth century, to set up an international maritime police force against the traffic, representative of all civilized states, and of many semi-barbarous ones, which would be collectively operated by all the maritime states. The reason why the naval suppression of the slave trade was in fact carried out nearly entirely by an exclusively British police was that those very nations, such as the United States, whose politicians asserted that the slave trade question was a pretext for a tyranny of the seas, refused indefatigable British efforts to draw them into an international police.

That the motive was in whole or part to keep the Navy busy seems to be discounted or refuted by Palmerston's complaint as to the continuous indifference of the Admiralty to helping in the problem, and by the unhealthfulness of work along the African coast and rivers. The promotion and protection of commerce was one of the ordinary functions of the Navy, apart from the work against the slave trade, and more could presumably have been done along these lines by the stationing of additional vessels to combat the slave trade. On the other hand it has been seen that serious injury to commerce was the objection of John Bright to the use of the Navy against the trade. If it could be shown what bases were acquired by means of the slave trade policy, it might be conjectured that the policy was an excuse for the improvement of Great Britain's world position. It is true that Fernando Po, in the Bights, was temporarily leased from Spain, for seemingly sufficient humanitarian reasons.

It will be seen below that the slave trade policy was a great diplomatic detriment to England.

As in other cases of inhumane conditions, the dominant note was "the responsibility of England." Palmerston, after averring that all the other guilt of the human race, from the creation down to the present day, could hardly equal that incurred in connection with "this diabolical Slave Trade," then asked the House:

. . . And is it not, then, the duty of every government, and of every nation on whom Providence has bestowed the means of putting an end to this crime, to employ those means to the greatest possible extent? And if there is any government, and any nation upon whom that duty is more especially incum-

bent, is not that government the government of England, and are we not that nation? Political influence and naval power are the two great instruments by which the Slave Trade may be abolished; our political influence, if<sup>1</sup> properly exerted, is great, our naval power is pre-eminent.

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1844. <sup>1</sup>H. C. Debates, Vol. LXXVI, 3d ser., col. 931, 16 July,



Results of Naval Suppression

Reasons for early failure.--In January, 1837, the British Commissioners at Sierra Leone reported regarding the transatlantic traffic that "no check" had been given to slave traders, after all. "At all the slaving marts of the coast are to be found numerous vessels, chiefly under the Portuguese and Spanish flags, awaiting their human cargoes, as has usually been the case."<sup>1</sup> In 1839 reference was therefore being made in England to "the failure of thirty years"<sup>2</sup> to reduce or even to prevent an increase in the total volume of traffic. Probably the traffic was indeed greater than ever before,<sup>3</sup> just as it seemed to be. Defeatists and opponents of naval suppression utilized the situation to develop a strong reaction in the House of Commons against the use of the Navy in suppression. In 1839 even Lord John Russell at the Colonial Office wrote that "to repress the foreign slave trade by a marine guard would scarcely be possible if the whole British Navy could be employed for that purpose."<sup>4</sup>

With reference to the supposed inefficacy of naval devices "the failure of thirty years" was a meaningless phrase. Since the suspension of the belligerent right of search in 1816 the Navy had been permitted to attack only minor factors of the problem, and never the total situation at one time. Whenever a new slave trade engagement permitted the application of strong naval pressure at one point of the situation the volume would expand at other points against which less or no naval pressure could be applied simultaneously because the conventional rights had not yet been acquired. The "failure" lay in the negotiation, drafting,

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<sup>1</sup>BFSF, XXV, 19.

<sup>2</sup>Mathieson, op. cit., p. 29.

<sup>3</sup>The traffic had also grown "to enormously greater proportions than it had ever reached in its most prosperous legitimate days in the eighteenth century, and with all the circumstances of cruelty incident to its illicit nature" (Newton, op. cit., p. 247).

<sup>4</sup>Mathieson, op. cit., p. 29.

and execution of engagements by the Foreign Office, and in Great Britain's delay in enforcing treaty observance by extraordinary measures. As appears from the reported quadrupling of imported slave prices in Brazil and Cuba, it also lay partly in a great increase in demand.

Yet, although the traffic would expand at one point when pressure was applied at another point, there was a considerable loss in volume of traffic during the process because slave dealers would fail to make the necessary re-adjustments in time. Thus it has been seen that many Spanish slavers had been caught in 1836 under their own flag and that many which transferred to the Portuguese flag had been caught in 1838 and 1839 by the change in judicial policy at Sierra Leone. On the other hand, others wisely usurped the American flag. Meanwhile Brazilian dealers, and perhaps American, started to expand their own enterprises under their proper flags. Nevertheless, as there would be short-run frictions in transference of national character, as a number of slavers would be temporarily taken out of the trade, as the cost of insurance was forced upward, as marginal dealers would be forced out of business, and especially because the price of raw slaves was forced upward, the volume of traffic expanded in the twenties and thirties less than it would have expanded without naval suppression. If, as it has been seen, the British Commissioner at Havana could report in 1838 that insurance premiums on slave ventures had risen to more than 40 per cent of the value, the naval devices could no longer be so useless as they were pictured by their enemies.

Had the Admiralty not employed an entirely inadequate number of ships, had they not been of poor quality, and had their duties been confined to the suppression of the slave trade, the increase of traffic need not have been so great. Even had a strong force been employed, however, and efficient methods developed between 1817 and 1839, the situation probably would not have been much improved, ceteris paribus. Given the treaty situation and the patient manner in which states had so far been held to their promises, Lord John Russell's denial of the power of the entire Navy to suppress the trade was indisputable--even if full advantage had been taken of the search provisions of the treaties. A small number of out-classed vessels were trying to guard more than two thousand miles of the African coast north of the Equator

while the greater part of the slave trade--that to Brazil--was going on unmolested south of the Equator, and legally safe from attack so far as the search provisions were concerned. Against the traffic north of the Equator effective search treaty devices had only been inaugurated toward the end of this period of failure, and these applied only to Spanish and French ships. Within a fairly small margin, in which larger naval contingents would have tended to lessen the demand for slaves by increasing their price, the existing treaty situation and the requirements of international law approximately determined the success which naval suppression could have in reducing the total volume of Atlantic slave traffic so long as naval suppression was confined to the search provisions of the treaties. Slave trade in Spanish vessels to Cuba, Porto Rico, and Brazil was wholly immune south of the Equator until the convention of 1835 came into operation. Portuguese slavers, whether bound to Brazil or to the West Indies, were likewise immune south of the Equator until 1839. Brazilian vessels south of the Line were likewise immune under treaty until October of 1845. French slavers were even more fortunate for a time. They were wholly immune both south and north of the Line until the convention of 1831 came into operation. American slavers were likewise immune until 1862.<sup>1</sup> The invaluable equipment provisions had not begun to come into effect until late in the period. Until 1833 French slavers were immune until they had already picked up their slaves and had created a demand for more in the interior. Once departed, they would hardly be caught. The same was true of Spanish slavers until 1835, of Portuguese until 1839, of Brazilian until 1845, and of American until 1862. What was beginning to make partial suppression even more difficult was that ostensible American slavers might be in reality of a nation with whom Great Britain possessed the right of search. There might be only one way of finding out--to take them in for adjudication. If found to be indeed American, then the American protests and demands for indemnification would be severe. Even if they were only interrupted in their course to be examined more closely, serious difficulties would also be involved in case they were American. On the other hand, should the British

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<sup>1</sup>Treaty of 7 April, 1862 (Hertslet's Commercial Treaties, XI, 621).



adopt a cautious policy a large number of slavers would continually escape, which were in reality subject to such limited rights of naval suppression as Great Britain was fortunate enough to possess.

Between June, 1819, when mixed courts were instituted at Sierra Leone, and January, 1838, 304 vessels had been adjudicated by these mixed courts alone. Nearly all had been condemned. From only the slavers brought to these mixed courts, 50,237 negroes had so far been rescued at sea and emancipated at Sierra Leone. Five thousand two hundred and fifty-seven had not been registered at Sierra Leone by the authorities--either because they had died before their description had been taken after rescue, or because they had been landed elsewhere.<sup>1</sup> The pecuniary cost of naval suppression, which was negligible compared to the diplomatic cost, was only about fifteen million pounds sterling up to 1839.<sup>2</sup>

Devices in combination.--The effectiveness of a simultaneous application of a number of effective naval devices is shown in the period after 1839. Under Utopian conditions of suppression all the devices proved to be effective could have been simultaneously, appropriately, universally, and consecutively applied to all the formal, material, efficient, and final causes which created a traffic in slaves instead of a flow of free labor. There were periods after 1839 when a number of powerful naval devices were applied simultaneously; but for diplomatic reasons they were not applied universally because they could not be applied to all the routes and import points. When a given combination of successful devices could be applied, their results were frequently not maintained because Great Britain did not maintain the combination for a consecutive period. Thus simultaneity, universality, and continuity were never attained together in the manipulation of suppressive devices on the Atlantic; but the success which was attained corresponded as exactly as possible to the measure in which they were approached. The most notable periods of success were the periods 1839-1842, 1844-1846, and 1850-1852.

The period 1839-1842 was a successful period in the repression of the traffic to Brazil and Cuba. According to some of

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<sup>1</sup>Report of H. M. Commissioners at Sierra Leone, BFSP, XXVI, 318.

<sup>2</sup>Figure given by Coupland, op. cit., p. 175.

the estimates related above, passim, some 40,700 Africans were thought to have been successfully transported as slaves to the neighborhood of Havana alone in the two years 1837 and 1838, on Portuguese ships alone. Cuba was credited with 3,150 and 8,000 in the years 1842 and 1843 respectively. In Brazil some 41,600 were supposed to have arrived at the province of Rio de Janeiro alone in 1837, on only Portuguese ships. Brazil is credited with only 14,244 in 1840. For importations into all the ports from Paranagua to Campos, British officials in Brazil reported a steady decline of around 70 per cent from 1839 through 1842. Whether the figures for Brazil and Cuba in 1840 were originally national totals, or were only for Havana and Rio, the improvement from 1839 through 1842 was great and was accepted as such by Palmerston. Correspondence with the decline in the figures for Cuba may appear in the report of a Select Committee in 1842 that on the west coast of Africa to the north of the Equator the slave trade was virtually extinct, with the exception of a few points in the neighborhood of Sierra Leone and the Gambia.<sup>1</sup> It has been seen that exportation had not even been restricted geographically in 1836.

There seem to be no grounds for attributing the decline in either the Brazilian or the Cuban importations to any perceptible measure of local enforcement taken by Brazilian or Cuban authorities. Were there any such grounds, the persistence of British diplomatic pressure would need to be credited with some of the success which was temporarily attained. A simultaneous, sudden, and extreme drop in demand in both Brazil and Cuba is possible; but in the year 1842 Bandinel was positive that there had been no fall in demand whatever when he adduced the figures showing a quadrupling or quintupling of slave prices in Brazil and Cuba during the past two decades. It has been seen that his price figure for Cuba corresponds to that noted in discussing the Equipment Article, as given by the British Commissioner at Havana for 1838. It is believed that the reason for the decline in Cuban and Brazilian importations at this period lay entirely or nearly entirely in the new and strong combination of naval measures taken during the period.

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<sup>1</sup>Mathieson, op. cit., p. 59.

The principal naval devices included in the combination were as follows. First or second in weight of effectiveness was the application of the Act of 1839 against all Portuguese slavers both north and south of the Equator, if only equipped for the trade, and against all vessels so equipped which were not entitled to claim the protection of any state. Meanwhile the small remaining traffic under the Spanish flag could not only be cut down by the continued operation of the Spanish convention; but that convention could act as a guard to prevent Portuguese vessels from transferring back to Spanish character. The French search treaty was still in effect at this time, and the advantage of transference from the Portuguese flag or the usurpation of other flags than the American was nearly destroyed by the fairly complete search treaty network with states other than Brazil, having a maritime flag on the Atlantic. Another factor in the combination was the execution of the African agreements between 1839 and 1842--namely, slave rescue on land at the export points, destruction of barracoons, capture of slavers in foreign territorial waters at the export points, and confiscation of goods for slave barter. These latter measures are considered to have been of first or second importance in the combination at this time. Another factor, which was probably third or fourth in importance at this time, was the new method of in-shore blockade which Captain Denman was beginning to operate and direct along the African coast. It is believed that the rise of Cuban importations in 1843 is to be attributed chiefly to the relaxation or temporary abandonment of the measures which had lately been taken on land at the export points; but it will be remembered that the difference in the measures applied in 1842 and 1843 consisted also in the substitution of the Portuguese search treaty of 1842 for that part of the Act of 1839 which related expressly to Portuguese ships--and there may conceivably have been a little lag in the re-adjustment.

The drop in Cuban imports from 10,000 in 1844 to 419 in 1846 owing to a doubling of the naval personnel on the African station and the large-scale and systematic application of in-shore blockade, and the subsequent return of Cuban importations to normal after in-shore blockade was temporarily abandoned, was another case in which successful measures were not applied consecutively. Much of the sharp rise in Brazilian importations between 1846 and 1849 has been attributed above, however, to an in-



crease in demand after 1846.

The pecuniary cost of naval suppression was estimated as fifty million pounds sterling up to 1875.<sup>1</sup> Between 1810 and 1846 over 116,800 slaves were caught at sea and freed.<sup>2</sup> Between June, 1819 and December, 1845 the total number of vessels prosecuted before the mixed courts alone at Sierra Leone was 528, of which 501 were condemned and 27 withdrawn, dismissed, or restored to the claimant. During the same period 64,625 slaves were emancipated by these mixed courts alone.<sup>3</sup> The figure of 116,800 of 1846 was not as large as the number of negroes whose lives had already been saved through the Equipment Article, even though the latter had been introduced into treaties only in the previous decade. Lord Aberdeen stated in December, 1845 that of 346 vessels brought in six years before both mixed courts and British Admiralty courts 280 had been seized without slaves.<sup>4</sup> In accordance with the manner of calculation used above in discussing the Equipment Article, and allowing for some restoration, the lives of some 190,000 negroes would have been saved in these six years alone, by prevention from embarkation. The figure of 116,800 is also small in comparison to Palmerston's conservative supposition of 200,000 annually saved from death or slavery from the crushing of the Brazilian slave trade--if, as it appears, the traffic was kept from reviving by maintenance of the Act of 1845, and not by the force of Brazilian opinion. Even had it been Brazilian opinion, much credit would have been due to the British measures for hastening its formation.

In crushing the Brazilian trade, Palmerston added a naval intervention in Brazilian territory and territorial waters to a combination of factors. The principal members of the combination were as follows: the capture of Spanish and Portuguese slavers north and south of the Equator under the Equipment Article; the safeguards of an extensive search treaty network; the provisions of the Act of 1839 with regard to stateless vessels; the right of capture in African territorial waters, of slave rescue on land

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<sup>1</sup>Harris, op. cit., p. 110.      <sup>2</sup>Coupland, op. cit., p. 179.

<sup>3</sup>H. M. Commissioners at Sierra Leone, BFSP, XXXV, 310.

<sup>4</sup>St. George Leakin Sioussat, "James Buchanan," The American Secretaries of State and Their Diplomacy (New York: Alfred A. Knopf, 1928), V, 316 f.

in Africa, of destruction of barracoons, and of confiscation of barter goods; in-shore blockade of slave ports; the right of verification of flag in the case of the French; the use of a very considerable proportion of the British Navy; the use of new and very effective steam vessels; the years of diplomatic pressure and propaganda; the very determined spirit behind the British campaign; the measures of the past which raised the insurance rate; the retention of the Act of the Seventh and Eighth Victoria as a club over the head of Brazil. All these measures were applied simultaneously and consecutively, and were universal in covering the Brazilian problem. American slavers still remained upon the Atlantic, exempt from capture; but the door was shut against these also by the naval measures taken on Brazilian territory and territorial waters.

It has been noticed that by about 1860 "the sole remaining stronghold" of the only remaining Atlantic slave trade, the Cuban, was the coast for five hundred miles between the Equator and Ambriz. Although there was a recrudescence of the traffic to Cuba in the sixties, the British consul at Havana reported that there was fair reason for supposing that the Cuban slave trade was almost at an end.<sup>1</sup> According to the Bights Division, there had been no attempt to ship slaves during the year 1865. Now the purpose was not to put down the trade, but to prevent its revival. From the Congo it was reported that the trade was "very dull, in fact dying out."<sup>2</sup> There had not even been any shipments to Cuba from the east coast of Africa in that year.<sup>3</sup> Great Britain had not yet exterminated the traffic to Cuba. In the eighteen sixties, however, it is said that Spain, like Portugal and Brazil, was now conforming to her abolition treaty.<sup>4</sup> In 1866 the British Consul at Havana thought that the Cuban slave trade was almost at an end. According to Mathieson, the transatlantic slave trade may be said to have died with Palmerston (1865).<sup>5</sup>

It appears that the long-sought search treaty with the United States was not the means by which the Cuban slave traffic was to find its death, after all. It appears that the Cuban slave traffic was not expiring, in 1865, for such a reason as that the risk of transport, and the increase in insurance rates,

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<sup>1</sup>Mathieson, op. cit., p. 182.

<sup>2</sup>Ibid., p. 183.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid., p. 182.

had rendered the price of newly-imported slaves so high, that there was a demand for but a small quantity. It was not simply because slavers were prevented from reaching the African coast, so that the supply of new slaves was restricted to a negligible quantity; for price of slaves fell. It was not merely for the reason that few slaves were desired at so high a price because other ingredients--such as indentured labor--could be more effectively used in sugar production at that price. It seems that a great positive shift in the demand schedule had taken place. Slave trade became no longer profitable to the dealer, under all the conditions.

Mathieson explains the cause of the mortal decline of Cuban slave importation as follows. The American proclamation of 1862 concerning the freedom of slaves in rebel states, which was to take effect 1 January, 1863, caused consternation in Havana. The proclamation was apparently considered a precedent for Spanish emancipation. Accordingly,

. . . . people were becoming less disposed to buy a species of property of which they might before long be deprived; and in 1867 a good field negro who, a few years earlier, would have cost 1,200 dollars, could now be had for no more than 700 dollars. This alone was enough to extinguish the slave trade, being a reversal of its fundamental axiom--the greater the risk, the higher the profit.<sup>1</sup>

Had it not been for British naval suppression, the risk of slave transport to Cuba would have been far lower. In that case, it would presumably have continued to be profitable for some time to carry slaves to Cuba where they could be sold for seven hundred dollars apiece. Probably they could still have been purchased on the east coast of Africa for but a few dollars.<sup>2</sup> Naval suppression did continue, however, with the consequent high risk. This alone had not been sufficient to extinguish the Cuban slave trade. Final success, according to Mathieson, was the result of action taken by that state which had so long been the chief obstacle to the success of British naval measures to suppress the

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<sup>1</sup>Mathieson, op. cit., p. 182.

<sup>2</sup>It was said by Sir R. H. Inglis during hearings of a Select Committee on Slave Trade, in 1848, that an African could be bought on the coast for five dollars and sold at from sixty to one hundred pounds sterling in Havana (Great Britain, Parliament, House of Commons, Select Committee on Slave Trade, op. cit., p. 14).



slave trade.

There were various reasons for the failure of the British measures alone to extinguish the Cuban slave importation. In the forties and fifties there were the obstacles presented by usurpation of the American flag, and by the absence of a right of search of American slavers carrying to Cuba. However, the same obstacles were presented to Brazilian slave trade suppression. It may not be evident whether the British Squadron, guarding the approaches to Cuba, would have been stronger had not the United States strongly resented its presence. It is certain that, in general, the squadron was there in spite of the American attitude. The strengthening of this squadron in the fifties was a cause of much difficulty with the United States.<sup>1</sup> A sharp Resolution was made by the Senate in 1858 with reference to the West Indies patrol.<sup>2</sup> Many incidents occurred at this time in the Gulf of Mexico, which was both a field for suppression of slave trade, and a highway for American commerce.<sup>3</sup> Anglo-American relations had long been critical over the maritime question.

The Cuban trade was not suppressed by British measures alone, whereas the Brazilian trade was. There were differences in the suppressive devices applied in the two cases.

Due to the opposition of the United States, Great Britain could not have applied in Cuba itself the measures which she took in Brazilian territory. These latter were the weightiest factor of her success in Brazil. In the case of Cuba the difference consisted in the absence of British naval landing parties at the import points, and of suppressive expeditions into the interior. The systematic naval action in Brazilian territorial waters was not applied to Cuba. The naval patrol outside Brazilian territorial waters, which had been operating under Lord Aberdeen's Act since 1845, may have been stronger at the last than the pa-

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<sup>1</sup>Mathieson, op. cit., pp. 135, 159.

<sup>2</sup>Hannis Taylor, A Treatise on International Law (Chicago: Callaghan and Company, 1901), p. 39, n. 20. The Resolution was "that American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong; and, therefore, any visitation, molestation, or detention of such vessels by force, or by the exhibition of force on the part of a foreign power, is in derogation of the sovereignty of the United States" (quoted, ibid.).

<sup>3</sup>Mathieson, op. cit., pp. 155 f.

trol around Cuba. Far different was the British Admiralty jurisdiction over Brazilian slavers from that of the notoriously ineffectual mixed court at Havana. Due to continual friction with the United States, the West Indies Squadron was unable to operate so freely upon slavers as was the Brazilian patrol.

Although only a small part of the slave traffic to Brazil had been open to attack before the end of 1839, quite satisfactory results were obtained within a period of thirteen years. Most of the traffic to Cuba, so far as it was conducted in Spanish and Portuguese vessels, had been open to attack since 1817. In 1865 British measures had still not been successful alone. In the early period, however, effective measures of suppression had not yet been developed; while the treaty situation made success impossible without the adoption of extraordinary measures. Since slave traffic to Brazilian destination was fairly opened to attack by the Act against Portugal, the difference in British naval devices for Brazil and Cuba consisted in those measures taken by land and sea at the import end, within and without the territorial waters.

Continuance of Arab trade.--The principal devices which were employed to repress Arab maritime slave trade are understood to have been stated above; but an analysis of the reasons for their failure to do more than repress the trade is beyond the scope of the writer. It is possible that adequate naval force was not employed;<sup>1</sup> that effectual measures, which may have prom-

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<sup>1</sup>Nevertheless, there was considerable naval action against slavers in the Arabian Gulf, the Persian Gulf, the Indian Ocean, and on the east coast of Africa. Between 1862 and 1864, eighteen slavers are noted as having been captured on the east coast (William Laird Clowes, The Royal Navy [Boston: Little, Brown, and Company, 1901], VII, 189). It is said that two ships captured about sixty Arab slavers in 1869 (*ibid.*, p. 225). There were various actions against slavers in the Indian Ocean at this time, when the traffic was "extremely active" (*ibid.*, p. 226). One ship alone took nineteen slavers in the first five months of the year (*ibid.*). Dhows were captured in the Persian Gulf in 1872 (*ibid.*, p. 232). Others were taken on the east coast of Africa in 1874 (*ibid.*, p. 263), 1876-1877 (*ibid.*, p. 276), and 1879 (*ibid.*, p. 289). Some were captured around Pemba Island, in 1878 (*ibid.*, p. 310). In 1881, at Mozambique, British warships co-operated with the Portuguese, in suppression (*ibid.*, p. 314). In 1888 there was instituted a pacific blockade of the Zanzibar littoral, from Kipini to the river Rovuma, under orders of the Commander-in-Chief on the East Indies station, in the name of the Sultan of Zanzibar. The blockade was participated in by Germany, France, Italy, and Portugal. It was supported on the mainland by the

ised to be successful, were not applied for any consecutive period; and that their applicability was not universal and simultaneous, so as to permit the navy to attack the total situation at once with all the effective methods. The English public, moreover, was not sufficiently enlightened upon the horrors of Arab trade, until well after the middle of the century.

British policing of the Persian Gulf, the Arabian Gulf, the Indian Ocean, and the east coast of Africa by measures to repress lawlessness, to remove interference with freedom of commerce, and especially to suppress piracy, must have incidentally cut down the current volume of slave trade considerably.<sup>1</sup> Many Arab chiefs, such as those inside the Persian Gulf, were both great pirates and great slave traders. Counter-revolutionary support of the governments of Muscat and Zanzibar, which were under strong British political influence, was of a nature to promote the

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Netherlands and the Congo State. It was in consequence of a revolt of coast towns against the authority of the German East African Company. Prevention of slave and arms trade was injected into the issues, to become at least the ostensible purpose of the pacific blockade.

Once this was done, such a blockade must have served to check current slave exportation. Through search for arms or slaves, the blockade should have brought facts to light which would be useful in suppressing Arab slave trade (Stowell, op. cit., p. 204, n. 94; Thomas Erskine Holland, Studies in International Law [Oxford at the Clarendon Press, 1898], pp. 139 f.; Albert E. Hogan, Pacific Blockade [Oxford at the Clarendon Press, 1908], pp. 130-137; Clowes, op. cit., VII, 390).

<sup>1</sup>In 1859 pirates were attacked on the east coast of Africa (Clowes, op. cit., VII, 136). There was considerable repression of piracy in the Persian Gulf between 1857 and 1861 (ibid., p. 137). In 1865 there was a bombardment and a landing party against Arab pirates on the west coast of the Persian Gulf (ibid., p. 214). The Arabs around Bahrein were slave traders. Late in the summer of 1868, Mahomet Ben Kuruf, of Bahrein in the Persian Gulf, with his neighbors and allies, was punished for oppressing Indian traders by the Bombay Marine. His fleet, forts, and guns were destroyed after a two-day bombardment. Reparation was made, and fines were imposed. Certain chiefs were deposed and outlawed (ibid., p. 224). In 1869, the Island of Bahrein was blockaded, and the fort of Menameh taken. Several chiefs were taken to Bombay as prisoners (ibid., p. 225). The actions in the Persian Gulf in 1819 resulted in the treaty with the friendly Arabs, in 1820. The actions had been of a police nature; but they resulted in slave trade engagements. A military force, accompanied by a naval contingent, had been directed against the pirates of Ras-al-Khyma, in the Persian Gulf. The works were taken and destroyed. All the piratical vessels in the port were burnt or sunk (ibid., VI, 234).



abolitionist cause by making it worth while for these governments to make abolitionist concessions and by allaying their fears as to the internal political consequences of such concessions.<sup>1</sup>

The arbitration of the Muscat Dhows showed that the absence of a search right with France after 1845 was a chief obstacle to British success. The geographical limitations upon naval suppression of the Arab trade have been noticed for the period before 1845. It was in the decade that the latter was remedied that the French extended their control into the Comoro Archipelago; and not long afterward the grant of French maritime nationality to itinerant Arab traders began.<sup>2</sup> French negligence or connivance in such grant of the flag was in violation of slave trade treaty commitments extending back to 1814. On February 26, 1864, Palmerston said in the House of Commons that France had not "thought fit to follow the example of the United States."<sup>3</sup>

Judging by the experience in the West, the continuance of slavery in some Mohammedan countries is no reason for failure to exterminate Arab slave trade. It is true that British measures appear to have been rendered successful in Cuba finally through the sudden fear of Spanish emancipation in the proximate future. It was more than twenty years before emancipation was proclaimed in 1886, that the Cuban slave trade began to expire. Slave importation into Brazil, however, by far the greatest negro importer in the world, was satisfactorily exterminated by Lord Palmerston some thirty-five years before Brazilian emancipation. The Arab slave trade could undoubtedly be exterminated in a legal manner. Once tolerated in violation of conventional international law, it is now tolerated in violation of general international law.

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<sup>1</sup>Just as Sultan Barghash was to receive British assistance in 1874, so in 1859 also the British attacked some rebellious subjects of the Sultan of Zanzibar (Clowes, *op. cit.*, VII, 136). The Imaum of Muscat received like assistance in 1868 from the Bombay Marine (*ibid.*, p. 224).

Perhaps to an expansionist like Seyyid Said British friendship would seem to be worth the political danger and loss of revenue involved in abolition. British friendship would depend to some extent upon his acquiescence in British abolition proposals and in treaty performance. The support of British sea-power would tend to accompany British friendship (cf. Coupland, *op. cit.*, p. 196).

<sup>2</sup>Stowell and Munro, *op. cit.*, pp. 350-357.

<sup>3</sup>Quoted in Mathieson, *op. cit.*, p. 176.

## CHAPTER V

### CONCLUSIONS

Between 1807 and 1914 there were many changes in the nature of the problem of suppressing the African slave trade in both the Mohammedan and Christian Worlds. Although British policy was constant, the methods for achieving this policy and the phases of major activity underwent many changes during the century.

In the 1820's and 1830's transatlantic demand for slaves increased. In the early 1830's France began to enact and enforce reasonably stringent abolition laws against participation in the transatlantic commerce. In the 1860's a final positive shift in demand for slaves took place in Cuba, allegedly resulting from the American Civil War through the depressing spectacle of President Lincoln's Emancipation Proclamation of 1862. There was a change in the character of the territorial authorities in East Africa in the eighties and nineties. French expansion into Somaliland and the Comoro Archipelago afforded new and safe protection for the Arab trade. These were changes in the nature of the problem which did not result from British suppressive devices.

The changes in the nature of the problem which resulted from the devices themselves were even greater causes of difficulty or of improvement. Such were the diminution of the commerce through the exercise of belligerent rights during the Napoleonic Wars; the removal of partial abolition in the case of Portugal and Muscat especially; and the successive flights from the French, to the Spanish, to the Portuguese, and to the American flag owing to differences in the content of search treaties, in judicial methods of preventing evasion from search, in the absence of search treaties in some cases, and in the temporary assertion of jurisdiction over Portuguese slavers. These changes included the great problem of usurpation of the American flag, which was caused by the very success of search and seizure devices. They also included the elimination of the Brazilian trade, the most important of all factors. The positive shift in Cuban demand was

eventually fatal to the Atlantic traffic because the cost of supply resulting from naval suppression rendered the trade relatively unprofitable. After this the problem was confined to the Indian Ocean and the East. Another change which resulted from British measures was the recognition of the trade as a violation of general international law. Portuguese enforcement of abolition in the 1840's, Brazilian in the 1850's, and Spanish in the 1860's resulted in large measure from British suppressive devices. Control of the slave trade in the Atlantic was solved while countries still retained slavery as a legal domestic institution. Importations into Cuba were stopped two decades before the abolition of slavery in Cuba. Importations of Brazil were stopped some twenty-five years before Brazilian Emancipation. The use of the French flag in the Atlantic traffic was stopped before Emancipation in the French West Indies. When the United States abolished slavery in 1865 the Atlantic slave trade was practically extinct. Thus, subject to the important qualifications mentioned with regard to Lincoln's Emancipation Proclamation of 1862, the abolition of slavery in the New World did not cause any distinct change in the nature of the problem.

The major changes in the methods by which Great Britain sought to achieve her policy of abolishing the slave trade consisted in the realization in 1817 of the legal necessity of search treaties, even with states which had prohibited the traffic, the vast improvement of search treaties in the 1830's, and the increase in naval contingents after 1839. Other major changes consisted also in the contemporary inauguration and temporary relaxation of measures on land at the export points. The coercive treaty sanctions against Brazil and Portugal, the inauguration of the claim to verify foreign flags (renounced in 1858), and the employment of arbitration in 1905 were other major changes. Greater attention was given to other types of native problems in the first few years of the twentieth century, such as the urgent problem of slavery in the Congo State, the question of indentured labor in Portuguese West Africa, and the atrocious conditions in the Putumayo.

None or scarcely any of the devices noticed were applied exclusively to any single country. None were applied exclusively to the import end of the trade. Many were peculiarly related to the high sea. A few were applied exclusively to the export end



of the trade, such as attempts to provide more lucrative forms of trade, the Christianization of the natives, the restrictions upon the importation into Africa of some of the tools of the trade, and the establishment of a pacification network. The British of course used these methods elsewhere for different purposes and even in Africa they were used to prevent interference with freedom of commerce.

Different countries played different rôles in relation to British slave trade policy. Some, such as Zanzibar and the West African countries, were primarily places of export and entrepôt. France and the United States were of importance primarily because they allowed their flags to be used. Some, such as Spain and Brazil, were primarily importers. The Portuguese were both great exporters and great carriers. The Omanis and other Maritime Arabs were both importers and great carriers. Like France in the early years, Muscat, until it separated from Zanzibar, and Portugal, until its separation from Brazil, allowed all three aspects of the maritime traffic--exportation, importation, and carriage, to function under their jurisdiction.

Some differences in the nature of the problem resulted from the difference in power and location of particular countries. Forceful measures of treaty vindication could be applied to Brazil and West African tribes, but not to Cuba or the United States; and it was dangerous to apply them in the strategic areas of the Middle East, where the result of a belligerent threat might be to drive a state such as Zanzibar under the protection of France. Sweeping promises seem to have been more easily secured from weak tribes than from strong Powers; but they were no better kept. On the other hand, it was apparently even more difficult to wring a slave trade concession from some of the rulers of Muscat and Zanzibar than from so evasive a government as that of Portugal. There was little difference in the difficulty of securing treaty performance from any of the above Signatories.

There was one difference between the East and the West in regard to search. As required, no doubt, by institutional conditions, British courts adjudicated Arab Prizes, and there was not the difficulty of obtaining judicial co-operation from recalcitrant states that there was in the West. Arab vessels were to be adjudicated as if they were British ships. Consequently the careful elaboration of treaty provisions was less necessary,

and Arab treaties were less refined.

The British abolition policy evoked intense and almost general hostility and Anglophobia from foreign states. In general, foreign governments deliberately pursued insincere and inimical policies of temporization, of obstruction, of corrupt connivance, and of fraudulent evasion of abolition treaty commitments. Search treaties which clearly extended adequate power could not usually be negotiated. It was often necessary to draft an apparently inadequate treaty so that under treaty sanctions the same results could be obtained through naval seizures. Treaty signatories would sometimes unite and secure the diplomatic support of disinterested states, in order to defeat the purposes of their own engagements. The real causes of disinclination to co-operate with England against the slave trade were numerous and deep-rooted, and ineradicable through any known technique. The resultant features of treaty violation were about the same in Brazil, Cuba, Portugal, France, West Africa, Zanzibar, and the United States, although official corrupt connivance was especially manifest in the three former countries.

Different weights have been indicated above as attachable to the causes of hostility to the British program; but most causes were common to the different countries. There were some types of genuine concern for the freedom of the seas. There was hostility which resulted from diplomatic conflict. There were patriotic causes and psychological causes. There were causes which arose from internal conditions in foreign countries. Internal political phenomena in states which recognized slavery like the United States, allowed all these causes to be decisive for a long period. In most countries where the traffic was practically if not legally tolerated there was at one time or another a politically-influential slave trading élite, or else a slave owning élite which was aware that it had become the officially avowed policy of the British Government not only to destroy the slave trade throughout the world, but the institution of slavery as well. The governments of many countries either participated directly in the traffic, or derived much of their revenues from it. Many governments would have been too weak internally to enforce or enact abolition laws, had they so desired. In slave states there was little public opinion against the trade. Due to maritime, diplomatic, and psychological causes, hostility was equally decisive in certain

free states like France.

Foreign hostility to the policy was merely one of the factors of the problem which the Foreign Office had to solve. Through devices of treaty negotiation, treaty drafting, treaty administration, and treaty sanctions, that factor could be abstracted from the problem. It was necessary to learn how to deal with it, and how not to over-estimate its importance. Through an understanding of the total situation and of the merits of the various devices, one could estimate whether the application of a given method or set of methods, at the risk of increasing foreign hostility, would be likely to promote or hinder the success of the slave trade policy. Probably in a doubtful case it would be better to err on the side of boldness. Coercive and legally justifiable treaty sanctions against Brazil and Portugal, around the middle of the century, actually operated so as to diminish rather than to increase hostility. In this sense relatively extreme measures promoted future voluntary co-operation.

It was also necessary not to disregard foreign opinion in general by employing devices of limited effectiveness whose justification rested upon novel principles of international law. The British claim of a general legal right to verify the nationality of vessels reasonably suspected of usurping the American flag in order to escape search treaties was a sudden and desperate expedient. Its impolicy had to be learned before it was expressly renounced. A device which even third states would consider illegal or arbitrary would create the impression that the British slave trade policy could not be expected to follow a settled legal policy based upon the consent of maritime states. Such a device would generally reduce British chances to secure conventional consent to the application of more effective measures. It would be feared that any suppressive rights granted to Great Britain would be abused in practice, and would menace or destroy the freedom of the seas by prescription. On the other hand, when decisive coercive sanctions were executed after a very careful justificatory legal preparation and when the case was duly laid in its entirety before the opinion of third states, then effective measures carried out in utter disregard of foreign hostility greatly promoted the success of the policy. In general, it would seem that Great Britain could advantageously disregard the attitude of foreign states so long as she was careful to observe legal requirements.



This was true even of the means by which Great Britain secured treaty rights and sanctioning clauses. With a very few exceptions she was exceedingly careful not to violate the generally-accepted principles of international law throughout the long course of suppression--whether toward savage tribes, British Protectorates, or great Powers.

During negotiations, it could be exceedingly detrimental to British policy to over-estimate the adverse effects of an exacerbation of foreign hostility which might be caused by given devices, in comparison to the value of those devices. Thus in 1814 Foreign Secretary Castlereagh felt that he could obtain a desirable suppressive treaty from France--perhaps a search treaty--if he were to apply stronger pressure. He insisted to the Prime Minister, however, that it would be detrimental to the suppressive policy to press France so far. He expressed the opinion that French co-operation would be of more value to the cause than French submission. The result was that for the next seventeen years or so the French flag became the great refuge of slave traders, because no search treaty could thereafter be obtained. In 1814 it was not necessary to conciliate French public opinion even if such conciliation were possible. All that was necessary was that France should be pressed to concede effective search rights and other useful treaty clauses on paper. Great Britain could do the rest.

There were several cases in which compromises with foreign opposition were perilous and almost fatal to the cause. They tended to crystallize opposition which might permanently prevent suppression of the trade. Later, influential members of the Government and a rather dangerous proportion of the House of Commons, confused by the complexity of the problem and unable to see the true causes of the failure to prevent an increase in the traffic after more than thirty years of effort to exterminate it, brought England a little too near the dangerous and mistaken conclusion that the African slave trade could never be stopped.

There are some aspects of the suppressive machinery which have not been discussed above because the appraisal of their value depends to a large extent upon conjecture. These aspects relate to some of the early compromises, to search treaties, to an international police, to the effort to obtain the diplomatic co-operation of disinterested states, and to the value of moral

propaganda in suppression.

The early compromises with states involved in the traffic, by which they promised to confine the trade to national jurisdiction, were not valuable. Although such promises might afford the possibility of unsystematic sanctioning action, under which vessels trading in contravention of treaty could be confiscated, such action could not be extensive and efficient in the absence of more precise criteria for determining treaty violation. The impression which would be created abroad as to the arbitrary character of the anti-slave trade policy would outweigh the benefits. If such compromises led to definitive arrangements, the results were even worse.

Most unfortunate were geographical compromises such as those adopted in the cases of Portugal, Brazil, and Spain. These resulted even after total abolition in the crystallization of a very ineffectual search situation superimposed upon the compromise. Castlereagh might draft treaty clauses to avoid such a result; but he could not provide all of them against any single country. In the case of Portugal he had his Separate Article with which to claim the extension of search south of the Line, immediately upon total abolition; but he could not obtain a promise of the latter at any definite date. In the case of Spain he had the promise at the definite date, but not the Separate Article in question. The latter was also true of Canning's negotiations with Brazil. The compromise with Portugal was probably a mistake. England might well have insisted that Portugal state more clearly than she did in the treaty, that since the intention of the contracting parties was to extinguish all slave trade which was illicit under the laws of Portugal or under her treaties with Great Britain, the present provisions of search, seizure, and adjudication, as modified by alterations to make them more effective in accordance with the Portuguese promise to co-operate with His Britannic Majesty by the adoption of the most efficacious means of abolition, would be applied mutatis mutandis immediately upon the date of further restriction of the traffic under Portuguese law or treaties with Great Britain. It is difficult to say whether Castlereagh should have concluded his compromises with Portugal in 1815 and Spain in 1817. There were sanctioning clauses of great potential value in the treaty of 1815, as there were in the Portuguese Additional Convention of 1817.

It was well that none of the search treaties, with one doubtful exception, specified any time limit or could be assumed to contemplate one. Although the success in the Brazilian case showed that it was not indispensably necessary that there be a complete treaty network permitting capture of slavers under all relevant flags--such as that of the United States--the entire history of suppression shows that failure to establish a complete network has caused more difficulty than any comparable factor.

Persistent British efforts, especially through general and particular multilateral international conferences, to establish an international police force against the trade, always failed miserably. They were not necessary to successful suppression. As the efficacy of a collective maritime police would depend chiefly upon that of its rules of operation, it was wise that the Brussels Convention provided that the rules of existing search treaties remained unaffected. There would ordinarily be the danger that the entire collective police system would sink to the level of the arrangements consented to by the most recalcitrant state or group of states. Although the value of a collective maritime police for the purpose would perhaps lay chiefly in the possibility that participation in it would eventually develop an enthusiasm in its members to help in fighting the trade, it would have been unwise, in weighing the merits and demerits of a collective police, to attach much weight to the possibility.

Conventional duties of diplomatic co-operation to obtain either treaties or treaty performance from recalcitrant states were sometimes performed, but without satisfactory results. The carefully prepared British attempt to exert a collective diplomatic pressure before the Congress of Vienna began obtained sweeping promises to co-operate, but they were not of much value after the Congress began.

It is certainly doubtful whether British moral propaganda was of much effectiveness either in the short or in the long run. It is true that Castlereagh had been rather favorably impressed at the time by the attention which had been awakened to the subject among the Ministers at Vienna. However, unless a long campaign were contemplated, with success admittedly lying in the far distant future, moral propaganda might be of more value in a Preamble denoting the underlying intention of the parties to a treaty than in any other way. Considering the length of time required for



the ablest agitators, working upon their own people, to develop an enlightened and organized public opinion in England, it would be a dangerous mistake to place much reliance upon moral propaganda as an instrument of suppression, or to neglect other devices in its favor. In the United States, and in countries which it was intended to benefit, it was chiefly interpreted as a hypocritical pretext for the extension of a commercial monopoly and for a tyranny of the seas.

With the exception of some enumerations, such as those numbered B1, C1, C2, H9, J2, J3, which were not distinct methods but were important aspects of the policy, the following is intended as a list of the devices. The attempt to appraise their value in the suppression of the African slave trade has already been made.

A. Attempts to Suppress the Traffic through Naval Seizure under General International Law.

1. Quasi-enforcement, against foreign slavers, of their national abolition laws, through belligerent Prize Court rules (1810-1817).

2. Effort at the High Court of Admiralty to establish the general international illegality of the trade through judicial interpretation (1810-1817).

3. Effort at the High Court of Admiralty to establish, through judicial interpretation, the principle that under general international law any commerce violating it may be confiscated by any state (1810-1817).

4. Diplomatic efforts through multilateral international conferences to obtain recognition of the general international illegality of the trade (1815-1885).

5. Diplomatic efforts to obtain general international recognition of the traffic as piracy jure gentium, apart from convention.

B. Attempts to Suppress the Traffic by Obtaining Treaty Promises of Abolition from Foreign States.

1. Diplomatic effort to obtain such promises from all states regardless.

2. Negotiation of engagements for immediate and total abolition.

3. Partial abolition compromises made instead of "7."

a) Foreign duty to restrict nationals to intra-imperial commerce and to exclude foreigners from it.

b) Foreign duty to confine the trade to a specified geographical zone.

c) Engagement for total abolition at a future date.

d) Promise of total abolition in the indefinite future.

e) An undefinitive engagement to prevent nationals from trading in any foreign fields abandoned by others.

4. Agreement to declare the trade piracy under national law.

5. Agreement to restrictions upon domestic markets and

land transit of the commerce.

6. Agreement to prevent any financial or indirect participation in the commerce by nationals.

C. Attempts to Suppress the Traffic through the Negotiation of Treaty Rights of Search and Seizure of Foreign Slavers.

1. Unlimited duration of search rights.

2. Effort to obtain search rights from all states having a maritime flag.

3. Effort to establish a collective and universal international maritime police force against the trade.

4. Treaty provision for seizure and condemnation of loaded slavers only (as the maximum concession negotiable). This could never suppress the trade.

5. A clause, in the case of (inadvisable) partial abolition engagements carrying zoning restrictions upon search and seizure, by which to claim the automatic removal of such search restrictions, so soon as the trade should be declared totally abolished under municipal law or treaty.

6. Provision for condemnation *prima facie* of all vessels fitted-out for the commerce when visited, or on the same voyage before visit. In absence of proof of innocence, condemnation to follow upon proof of possession, at or before visit, of any one of many specified articles of equipment. Proof of such possession to justify properly-conducted but mistaken detention. Sufficient cause of suspicion of such possession to justify erroneous visit or erroneous seizure.

a) Adjudication by national courts of the captured vessel.

b) Adjudication by mixed courts.

7. Application of the "Breaking-up Article" to vessels condemned, which was very useful against the slave trade.

8. To prevent evasion of search treaties by flag transfers, the adoption by commissary judges, in the case of vessels, of the nationality tests of domicile of merchant-ownership and of the course of trade.

D. Negotiation of Treaty Rights of Suppression at Export and Import Ports.

1. Right to rescue commercial slaves from foreign territory.

2. Destruction of slave depots at export and import points.

3. Seizure on land and confiscation, after British adjudication, of goods intended for slave barter.

4. Capture of slavers in foreign territorial waters.

5. Establishment of a pacification network through non-aggression pacts under British guaranty, and defensive alliances, in order to suppress intertribal slave-raiding wars.

E. Devices Employed in Lieu of Search Rights.

1. Conventional assimilation of the traffic to piracy *jure gentium*.

2. Conventional foreign duty to prevent usurpation of flag.

3. Conventional foreign duty of independent naval co-operation.

4. Conventional foreign duty to confine grant of maritime flag to nationals.

5. British claim of a general legal right of verification

of flag.

6. Conventional right of verification of flag.

7. Conventional right of "visit" without search (about the equivalent, in effect, of a crude search treaty).

F. Sanctioning Clauses Inserted into Treaties in Order to Insure Performance.

1. Numerous clauses affording the British locus standi for the specification of foreign internal measures of treaty observance. They were so worded that their violation would be easy to establish, so as to aid in justifying extraordinary measures of treaty vindication by Great Britain; and they were sometimes conceded for an important British abstention.

2. Duty to assimilate abolition legislation to that of England.

3. Specific promises of penal legislation and severe punishment of slave traders.

4. Promises of perfect and immediate enforcement of abolition duties, so as to eliminate excuses.

5. Express conventional consent to forceful measures of treaty vindication by Great Britain.

6. Clauses establishing the duty to conclude the most effective engagements in the future, such as a search treaty or an improved one.

7. Duties to co-operate against recalcitrant states.

8. Duties to communicate information helpful in naval suppression.

G. Methods of Sanctioning Abolition Treaties Employed by Great Britain.

1. Steady, continuous diplomatic protest.

2. Steady, continuous supply of detailed information to the delinquent state upon treaty infractions.

3. Expansion of British consular system into trouble zones.

4. International arbitration to clarify rights and duties of suppression.

5. Exercise of British Admiralty jurisdiction over vessels suspected of treaty violation, after careful legal preparation.

6. Application of the piracy clause to slavers, as a right hereto fore held in reserve.

7. Seizure of slavers in their territorial waters, for British adjudication, without the conventional permission to do so.

8. Intervention on land at the import points and hinterland, by slave rescues and destruction of slave depots.

9. Specific proofs of a readiness to repeat "8" in case of a resumption of importations.

H. Devices of Treaty Negotiation.

1. Utilization of advantageous diplomatic situations, such as an insistence upon slave trade engagements as a sine qua non of peace, of territorial dispensations, of recognition of statehood, or of any treaty or military alliance.

2. Opportunistic utilization of submissive naval situations, such as the negotiation of a perfectly voluntary slave trade concession after a threat of naval bombardment in defense of nationals.

3. The actual use of naval force during slave trade nego-



tiations when developments rendered its employment justifiable upon extraneous grounds.

4. The threat of war for the sole purpose of obtaining a slave trade engagement.
5. Moral propaganda.
6. Collective diplomatic pressure.
7. Proposed economic boycott of recalcitrant states.
8. Purchase or barter: such as the offer of British territory, large or small gifts of money, large credits, remission of debt, annual subsidies in money and commodities upon condition of treaty observance, or the abrogation of onerous treaty clauses.
9. The ordinary means of diplomatic influence and persuasion, through
  - a) Bilateral negotiation.
  - b) Multilateral negotiation.

#### I. Economic and Religious Devices of Suppression.

1. Attempted substitution of more lucrative trade for slave trade.
2. Christianization and civilization of the natives.
3. Restrictions upon the importation of some of the tools of the trade into Africa.
4. Attempt to settle sources of supply with Englishmen.

#### J. Aspects of Naval Technique.

1. Close, fixed, and continuous "in-shore blockade" of slave ports, so as to cut slavers off from the African coast through utilization of the treaty provisions for search, seizure, and condemnation on grounds of equipment alone.
2. The employment of about one-quarter of the entire British Navy at the export and import ends.
3. Conciliation of the natives, to obtain their confidence.

The suppressive machinery attained a high degree of success against the transatlantic trade, but only a fair degree of success against the Arab trade, to which less attention was paid. The best statistics show that degrees of success or failure against Cuban and Brazilian importations corresponded to the degree in which effective devices were applied consecutively and simultaneously, and with reference to all the main factors of a given problem, at the export and import ends and on the high sea. It may be conservatively claimed by Great Britain, although not exactly proved, that by permanently stopping Brazilian importations she not only prevented an average of some 70,000 Africans being sold each year into slavery in Brazil, but that she saved the lives of more than 200,000 other negroes each year, who would have died in Africa or at sea in order that the others should reach Brazil alive. About half of the measures listed aided in the suppression of the Brazilian importation.

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